



MONO COUNTY HEALTH DEPARTMENT

Environmental Health

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Deficiencies and Corrective Actions

Update 1 submitted: November 21, 2006

Update 2 submitted: March 22, 2007

Update 3 submitted: July 3, 2007

Update 4 submitted: October 25, 2007

1. **Deficiency:** The CUPA did not complete or submit the FY 04/05 Annual Summary Reports.

CUPA Corrective Action: CUPA submitted FY 05/06 Summary Reports to Cal/EPA.

Cal/EPA Response: Deficiency has been corrected.

2. **Deficiency:** The CUPA did not complete their FY 04/05 annual Self-Audit Report.

CUPA Corrective Action: Deficiency has been corrected. Submitted 11/21/06.

3. **Deficiency:** The CUPA is not fully regulating all the agricultural handlers in the County. Although a few of the handlers have been captured and regulated, many are not being regulated.

CUPA Corrective Action (Update 1): The CUPA plans to coordinate with the County Agricultural Commissioner to identify agricultural handlers during fiscal year 2006-2007 (see Mono County Health Department CUPA Self-Audit July 1, 2005 to June 30, 2006 under the heading, "Hazardous Materials Business Plan").

CUPA Corrective Action (Update 2): On March 22, 2007, the CUPA contacted the County Agricultural Commissioner to discuss the best way to identify agricultural handlers in Mono County. The County Agricultural Commissioner agreed to prepare an inventory list of agricultural handlers then mail it to the CUPA. Once the CUPA receives the inventory list, it will contact agricultural handlers either by mail, telephone or in person to determine if and at what extent these handlers will be incorporated into Mono County's Unified Program.

CUPA Corrective Action (Update 3): Mono County Environmental Health has received the County Agricultural Commissioner's inventory of 24 agricultural businesses located throughout Mono County. A determination has been made to contact these businesses and require Hazardous Materials Business Plans (HMP). A "DRAFT" HMP notice has been prepared by Mono County Environmental Health CUPA. After consultation with the Office of Emergency Services (scheduled for July 9) concerning agricultural (farm) exemptions and after management review, the "DRAFT" notice will be finalized then mailed to the agricultural businesses, no later than July 16, 2007.

Cal/EPA response: Cal/EPA is satisfied with the progress Mono County is making towards correcting this deficiency. Cal/EPA will continue to monitor the progress. In the next update, please let Cal/EPA know how many farms responded to the letter that Mono County is planning on sending out shortly.

CUPA Corrective Action (Update 4): By July 16, 2007, Mono County Environmental Health had planned to send its 24 agricultural handlers a Hazardous Materials Plan (HMP) notice that described the requirements to:

- prepare and implement an HMP,
- agree to triennial inspections, and
- pay an annual fee to Mono County Health.

However, after telephone discussions with State Office of Emergency Services (OES) and Inyo/Mono County Agricultural Commissioner's office, Mono County Environmental Health has determined that Mono County agricultural handlers are ranchers or "small" growers and do not pose a present or potential hazard to human health or safety or to the environment. Hazardous materials on these farms present a reduced risk due to the quantities involved, the seasonal nature of use, and the geographical location of the farms.

Because of this reduced risk, Mono County Environmental Health has decided to grant an exemption to Mono County agricultural handlers, pursuant to H&SC Section 25503.5(c)(5).

H&SC Section 25503.5(c)(5) provides an exemption from regulation for agricultural handlers if the following conditions are met:

- (A) The business submits an inventory of regulated hazardous materials to the county agricultural commissioner before January 1 of each year.
- (B) Each building that contains any of the following is posted with signs:
 - Pesticides
 - Petroleum fuels and oil
 - Types of fertilizers
- (C) The business has a current Emergency Response Plan and description of the Hazardous Materials Employee Training Program on site.

Mono County developed an "Agricultural Handlers Exemption" notice that describes the above exemption requirements and developed forms (included in the notice as Enclosures) that can be used in meeting the exemption requirements.

If a farm determines that it is not subject to regulation under the HMP Program, a "declaration" stating that it does not have a hazardous material in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas); generate hazardous waste; or use Category (I) or (II) pesticides, as defined by Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), was also included as an enclosure with instructions to sign and return the "declaration" to Mono County Environmental Health.

The notices, forms and "declarations" were mailed out on October 24, 2007.

Cal/EPA Response: Under HSC section 25503.5(c) (2), (3), (4), or (5) the CUPA can exempt farms. Since the CUPA is following the proper steps to exempt farms, Cal/EPA considers this deficiency corrected.